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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

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LUDVIK ELECTRIC CO.,

Plaintiff,

v.

VANDERLANDE INDUSTRIES INC.,

Defendant.

**FOURTH AMENDED  
SCHEDULING ORDER**

Case No. 2:21-cv-00462-DBB-CMR

District Judge David Barlow

Magistrate Judge Cecilia M. Romero

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Based on the parties' stipulated Motion for Amended Scheduling Order (ECF 62), and for good cause appearing, the court hereby ORDERS that the Third Scheduling Order (ECF 61) is amended as follows:

**\*\*ALL TIMES MIDNIGHT UNLESS INDICATED\*\***

<b>1. PRELIMINARY MATTERS</b>	<b>DATE</b>
Date the Rule 26(f)(1) conference was held:	<u>09/16/21</u>
Have the parties submitted the Attorney Planning Meeting Report?	<u>yes</u>
Deadline for 26(a)(1) initial disclosures:	<u>10/08/21</u>
<b>2. DISCOVERY LIMITATIONS</b>	<b>Number</b>
Maximum number of depositions by Plaintiff:	<u>10</u>
Maximum number of depositions by Defendant:	<u>10</u>
Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
Maximum interrogatories by any party to any party:	<u>40</u>

Maximum requests for admissions by any party to any party:	<u>30</u>
Maximum requests for production by any party to any party:	<u>40</u>
The parties shall handle discovery of electronically stored information pursuant to Federal Rules of Civil Procedure 34(b)(2)(D) & (E).	
The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: Inadvertent disclosure of privileged documents shall be governed by the Protective Order imposed pursuant to DUCivR 26-2.	
Last day to serve written discovery on the issue of liability:	<u>09/09/22</u>
Close of fact discovery of the issue of liability:	<u>04/17/23</u>
Opening of fact discovery on the issue of damages begins.	<i>The Monday after the Court's ruling on dispositive motions on liability</i>
Last day to serve written discovery on the issue of damages:	<i>150 days after Court's ruling on dispositive motions on liability</i>
Close of fact discovery of the issue of damages:	<i>180 days after Court's ruling on dispositive motions on liability.</i>
(optional) Supplementation of disclosures under Rule 26(a)(3):	

<b>3. AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>11</sup></b>	<b>DATE</b>
Last day to file Motion to Amend Pleadings:	<u>08/05/22</u>
Last day to file Motion to Add Parties:	<u>10/07/22</u>
<b>4. RULE 26(a)(2) EXPERT DISCLOSURES &amp; REPORTS</b>	<b>DATE</b>
<b>Disclosures (subject and identity of experts)</b>	
Party(ies) bearing burden of proof:	<i>60 days after Court's ruling on dispositive motions on liability</i>
Counter disclosures:	<i>90 days after Court's ruling on dispositive motions on liability</i>
<b>Reports</b>	
Party(ies) bearing burden of proof:	<i>120 days after Court's ruling on dispositive motions on liability.</i>
Counter reports:	<i>150 days after Court's ruling on dispositive motions on liability</i>
<b>5. OTHER DEADLINES</b>	<b>DATE</b>

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<sup>11</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

Deadline for filing dispositive motions on the issue of liability: 04/17/23

Opposition to dispositive motions: 05/01/23

Reply in support of dispositive motions: 05/15/23

Deadline for filing dispositive motions on the issue of damages: 1/12/24

Last day for expert discovery: 12/14/24

Deadline for filing partial or complete motions to exclude expert testimony: 1/12/24

**6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION DATE**

Likely to request referral to a magistrate judge for settlement conference: No

Likely to request referral to court-annexed arbitration: No

Likely to request referral to court-annexed mediation: No

The parties will complete private mediation/arbitration by: 00/00/00

Evaluate case for settlement/ADR on: *30 days after Court's ruling on dispositive motions*

Settlement probability: Fair

*Specify # of days for Bench or Jury trial as appropriate.  
The Court will complete the shaded areas.*

**7. TRIAL AND PREPARATION FOR TRIAL**

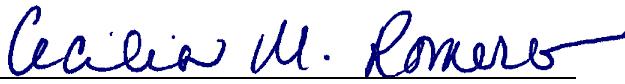
If the parties do not intend to file dispositive or potentially dispositive motions, a scheduling conference will be held for purposes of setting a trial date. 1/18/24 at 3:00 p.m.

After the court issues an order on the summary judgment motion(s), if there is anything left to litigate, the court will set a scheduling hearing to set a trial date and to ask the parties if they want to mediate. If the schedule set forth herein is not extended, the parties can generally expect that trial will be set sometime during the 3rd quarter of 2024.

**8. OTHER MATTERS**

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

DATED this 9 March 2023.

  
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Magistrate Judge Cecilia M. Romero  
United States District Court for the District of Utah